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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/764,267	01/23/2004	Ross Armstrong	720004.535	6180

500 7590 04/24/2007  
SEED INTELLECTUAL PROPERTY LAW GROUP PLLC  
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SEATTLE, WA 98104

EXAMINER

TAWFIK, SAMEH

ART UNIT	PAPER NUMBER
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3721

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/24/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

## Office Action Summary

Application No.

10/764,267

Applicant(s)

ARMSTRONG ET AL.

Examiner

Sameh H. Tawfik

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).\*

### Status

- 1) ☒ Responsive to communication(s) filed on 01 February 2007.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 19-31 is/are pending in the application.
- 4a) Of the above claim(s) 28 and 29 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 19-27, 30 and 31 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION*****Drawings***

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the claimed “first member is movably coupled to the second member to move between a first configuration for pre-curving a strap and a second configuration for delivering a pre-curved section of the strap through the entrance into the camber of the accumulator” must be shown or the feature(s) canceled from the claim(s). No new matter should be entered. Note that the difference between the first and second configurations in respect to the accumulator must be shown clearly in the drawings.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Specification***

The amendment filed on 02/01/2007 is objected to under 35 U.S.C. 132(a) because it introduces new matter into the disclosure. 35 U.S.C. 132(a) states that no amendment shall introduce new matter into the disclosure of the invention. The added material which is not supported by the original disclosure is as follows: “ the first member is movably coupled to the second member to move between a first configuration for pre-curving a strap and a second configuration for delivering a pre-curved section of the strap through the entrance into the chamber of the accumulator”.

Applicant is required to cancel the new matter in the reply to this Office Action.

The disclosure is objected to under 37 CFR 1.71, as being so incomprehensible as to preclude a reasonable search of the prior art by the examiner. For example, the following items as disclosed in the amended claims of 02/01/2007 are not understood: “ the first member is movably coupled to the second member to move between a first configuration for pre-curving a strap and a second configuration for delivering a pre-curved section of the strap through the entrance into the chamber of the accumulator”.

Applicant is required to submit an amendment, which clarifies the disclosure so that the examiner may make a proper comparison of the invention with the prior art.

Applicant should be careful not to introduce any new matter into the disclosure (i.e., matter which is not supported by the disclosure as originally filed).

***Claim Rejections - 35 USC § 112***

The following is a quotation of the first paragraph of 35 U.S.C. 112:

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The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 19-27, 30, and 31 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter, which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. For example the claimed "first member is movably coupled to the second member to move between a first configuration for pre-curving a strap and a second configuration for delivering a pre-curved section of the strap through the entrance into the camber of the accumulator" is not clear how it would work.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 19-27, 30, and 31 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The new filed amended claims are referring to "the first member is movably coupled to the second member to move between a first configuration for pre-curving a strap and a second configuration for delivering a pre-curved section of the strap through the entrance into the camber of the accumulator", which is confuse and indefinite because it is not clear how the first member gets coupled to the second member and moveable between first and second configurations?

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 19-27, 30, and 31 the best understood, are rejected under 35 U.S.C. 102(e) as being anticipated by Helland et al. (U.S. Patent No. 6,415,712).

Helland discloses a strap guiding assembly for use on a strapping machine to guide a strap into an accumulator, the assembly comprising: a first member (Figs. 10-12); a plurality of rollers rotationally coupled to the first member (Fig. 12; via wheels/rollers 352, 360, 362, 364, and 368); a second member (Figs. 10-12; via 366 and 376) having a curved surface aligned with an entrance for receiving the strap (via the curved section 376), wherein the first member (via 368) is movably coupled to the second member (via 366) to move between a first configuration “for pre-curving a strap and a second configuration for delivering a pre-curved section of the strap through the entrance into the chamber of the accumulator” the strap is constrained between the curved surface and the two or more of the plurality of rollers (column 10, lines 46-49; via “disengage” refers to moving 368 away from 366), and a second configuration in which the strap is unconstrained and free to move into the accumulator (column 10, lines 46-63); and wherein the plurality of rollers are configured to follow a path complementary to at least a portion of the curved surface (Figs. 10-12 and column 10, lines 46-63).

Regarding claim 20: wherein the curved surface is convex and oriented toward the accumulator to give the strap an initial curvature when the assembly is in the first configuration such that the strap will tend to move into the accumulator when the assembly moves into the second configuration (Figs. 10-12).

Regarding claim 21: wherein the first member moves toward the second member when the assembly moves into the first configuration, and moves away from the second member when the assembly moves into the second configuration, see for example (Figs. 10-12 and column 10, lines 46-63).

Regarding claim 22: further comprising an actuation mechanism to selectively move the assembly between the first and second configurations (Figs. 2, 3, 10, and 11).

Regarding claim 23: wherein a curve intersecting a respective centerline of the plurality of rollers is substantially similar to at least a portion of the curved surface of the second member, see for example (Figs. 10 and 11).

Regarding claim 24: a strap guiding assembly to guide a strap, the assembly comprising a first member; a plurality of rollers rotationally mounted to the first member (Figs. 10 and 11; via rollers 352 and 362), a second member having a curved surface (via 376); and an actuation mechanism to translationally move the first member into one of a first position or a second position, the first position wherein the first member is in close proximity to the second member to allow the plurality of rollers to cooperate with the curved surface of the second member to forcibly guide the strap along at least a portion of the curved surface, the second position wherein the first member is spaced apart from the second member, see for example (Figs. 3, 7, and 10-12; column 10, lines 46-63).

Regarding claim 25: wherein the first member is biasly coupled to the second member, see for example (Figs. 10 and 11).

Regarding claim 26: a strap guiding assembly to guide a strap, the assembly comprising; a first member; a plurality of rollers rotationally mounted to the first member; a second member having a curved surface, and an actuation mechanism to move the first member into one of a first position or a second position, the first position wherein a guide channel is located between the plurality of rollers and the curved surface of the second member to forcibly guide the strap along at least a portion of the curved surface, the second position wherein the first member is spaced apart from the second member to eliminate the guide channel, see for example (Figs. 2, 3, 7, 10-12 and column 10, lines 46-63).

Regarding claim 27: a strap guiding assembly comprising: surface means having a curved portion; roller means cooperating with the surface means to guide a strap along the curved portion of the surface means; and actuation means for moving the roller means apart from the surface means to allow the strap to move away from the curved portion of the surface means and into an accumulator, see for example (Figs. 2, 3, 7, 10-12 and column 10, lines 46-63).

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sameh H. Tawfik whose telephone number is 571-272-4470. The examiner can normally be reached on Tuesday - Friday from 9:00 AM to 7:30 PM.

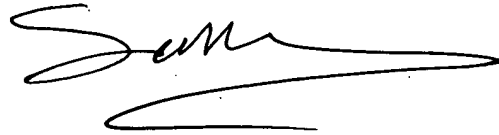
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rinaldi Rada can be reached on 571-272-4467. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Sameh H. Tawfik  
Primary Examiner  
Art Unit 3721

A handwritten signature in dark ink, appearing to read 'Sameh', with a long horizontal flourish extending to the right.

ST.